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February 14, 2006

VIA FEDERAL EXPRESS

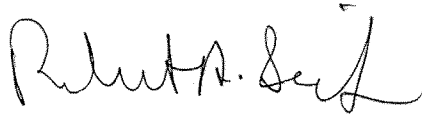
Honorable Kiyo A. Matsumoto
United States District Court
Cadman Square
Brooklyn, NY

Re: Weiss et al. v. National Westminster Bank PLC, 05-CV-4622

Dear Judge Matsumoto:

I am one of the Plaintiffs' counsel in the above-captioned action. I enclose herewith a Motion for Issuance of Commission to Court Reporter for Deposition in Israel. The *de bene esse* deposition of Steven Averbach, a quadriplegic, will be taken on March 1, 2006 in Israel by consent of the defendant. Counsel for defendant will participate by videoconference. Defendant has consented to the Motion. May I ask that, if the Motion is acceptable to your Honor, a signed Order be issued by February 22.

Respectfully yours,



Robert A. Swift

RAS:pdw

Enc.

Cc via fax: Lawrence Friedman, Esquire

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK, PLC,


Defendant.

05-CV-4622 (CPS)(KAM)

NOTICE OF DEPOSITION

Plaintiffs in the above captioned action, by their below signed counsel, will take the deposition of plaintiff Steven Averbach on March 1, 2006 at Ayalon House, 16th Floor, 12 Abba Hillel Street, Ramat-Gan P.O.B. 3306, Israel beginning at 2:30 pm. The deposition will be before a court reporter commissioned by the United States Court. The deposition will be videotaped as well as stenographically reported. Counsel for defendant will be able to participate via videoconferencing from a technically equipped facility in New York City provided that they give counsel for plaintiffs sufficient advance notice of the location, telephone number and technical details.

2-14-06

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TZVI WEISS, et al.

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK, PLC,

Defendant.
-----X

X

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X

05-CV-4622 (CPS)(KAM)

COMMISSION TO COURT
REPORTER FOR DEPOSITION
SCHEDULED IN ISRAEL

It appearing that the *de bene esse* deposition of Mr. Steven Averbach will be taken on March 1, 2006 in Tel Aviv, Israel at the request of counsel for Plaintiffs, the Court hereby ORDERS pursuant to Fed.R.Civ.P. 28(b)(4) that a Commission is hereby granted to Ms. Carmelita Lee of Hod Nasiyim, Israel to administer the oath and take testimony at the deposition of Mr. Averbach.

BY THE COURT:

DATED: February , 2006

Kiyo A. Matsumoto
United States Magistrate Judge